

Open Burning Workgroup
Meeting Summary
August 23, 2005
10:00 am

The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) held a meeting of the open burning workgroup August 23 to discuss open burning issues.

Paul Myers, APCP, opened the meeting. Each of the participants was asked to introduce themselves. Paul then reviewed the key items from the July 14 meeting. Items mentioned were that the workgroup was meeting to improve the state's open burning regulations. There are 4 open burning regulations for the state and that there are inconsistencies among the rules. Also mentioned were the citizen petitions asking the department to look into concerns about agricultural burning and the smoke issues resulting from that burning. The last item mentioned is that the department wanted to try and mesh regulations with the state's fire departments and authorities.

Paul went on to say the workgroup had options with regard to the current regulations. The workgroup could choose to keep the current regulations, amend the regulation, or come up with a new regulation. At the last meeting, a draft strawman regulation was presented to the workgroup that combined the features from the current 4 regulations. The workgroup said they would take a look at the strawman and comment at the next meeting. That strawman would be discussed as part of today's meeting.

Paul opened the floor for general comments.

Randy Cole, Missouri State Fire Marshall, spoke about live fire training exercises and staff receiving certification levels 1 and 2. Rural fire departments can't afford the cost to get rid of asbestos at sites and therefore find it difficult to get certification. Also mentioned that fire departments are not always notified of when burns are going to occur.

Paul Jeffery, APCP, said that asbestos removal requirements are mandated by EPA and therefore not something that the department could change.

Jim Kavanaugh, APCP, said this is an issue that could be addressed with EPA and see what they say. An EPA representative is planning to attend today's meeting and perhaps this could be brought up.

Paul Myers then began discussion on draft strawman regulation by opening the floor to comments.

Roger Moore, U.S. Reel Corp, said that it is nearly an impossible task with all the interests in trying to regulate open burning. He is concerned about jobs and effects regulations have on jobs.

He asked about (3)(E)2 in the strawman. Paul Jeffery said that this is carried over from current regulations and is not new.

Jason Turner, Jefferson City Fire Dept, said that many calls are complaint driven and that they serve as the punching bag between regulators and citizens or between citizens and contractors. Paul Jeffery responded that permits could be rescinded if conditions are not followed.

Richard Barnes, MDNR Southwest Regional Office, said that people need to contact fire dept before they burn. MDNR does not provide fire protection.

Jason said that perhaps a permit timeline could limit how long a permittee can operate. Make the rescission language more prominent on the permit could increase operator compliance.

Roger said that problems often occur because of one short-term person who does not do frequent burns. Permanent facilities don't often have problems because they are set up properly.

Karl Fett, MDNR Kansas City Regional Office, mentioned that what Roger said is correct. Said that he knew of an instance where a firebox didn't work right when first run, but when run right did a fine job.

Tom Burmeister, Twehous Excavating Co, noted that people often have problems when burning occurs near their backyards when they are starting to develop/clear property. They didn't want developments to move in and take away their woodland view, so they complain. He went on to mention that some regions are more efficient at getting permits out in a timely manner.

Kris Ricketts, MDNR Regional Office coordinator, asked Tom how the permit process worked.

Tom said he gets application and fills it out and then takes to the fire dept for sign-off and then faxes/takes to MDNR. Said it usually takes anywhere 2 days to 2 weeks.

Kris asked how it could work faster.

Tom said he wonders about the amount of time it takes – why so long? Often it is a case of so many people having to look at the application. Thought that maybe an approved contractor list might expedite process.

Kris asked if they would be willing to attend training to create an approved list. Tom said that he understood what she was asking, but didn't really have any problem with the permit process.

Karl said that an expedited permit might be possible.

Jerry Hirtz, Missouri Dept of Transportation, discussed their big projects as part of MoDot.

Richard Barnes said an approved list may not work if multiple fire departments are involved.

Dale Lohmeyer, Warco Inc, mentioned the problems his company has had in disposing of boxes that are used to ship transformers. He can't get a permit to burn and nobody wants to take the wood.

Lucy Thompson, Environmental Assistance Office, said that their problem may be their location near St. Louis and nonattainment concerns.

Bruce Palmer, Dept of Conservation, asked where in the draft is the exemption for land management burning.

Paul Myers said that the language was not present in the strawman, but the intent is to not change the exemption.

Ed Nicholson, Osage Beach FPD, mentioned that state parks were doing controlled burns on days when the county may have asked for a burn ban from residents. Parks do not notify the local agencies of their intent to burn, and often needed assistance to put out fires. (*NOTE: The Department of Natural Resource's Division of State Parks is responding to this comment with a letter describing the state park's prescribed burn program and its policies and procedures for notification of local authorities and county burn bans.*)

Cecilia Campbell, MDNR Solid Waste Management Program, commented that there exists a problem in how to contact some local and rural fire departments. Some are not staffed full-time. Need to find some way to better notify permittees, fire departments, and MDNR when burning is occurring. Asked Randy Cole if computer access is available to smaller, rural fire districts. Randy said no, but that there was a dispatcher for each district/department that could be called to leave a message to notify the districts where burns were going to occur.

Bruce mentioned that information on contacts is listed on their burn plan.

Dan Engemann, Dept of Agriculture, said that in reading the minutes from the last meeting that agricultural burning was discussed, especially from the bootheel area of the state. Dan talked about the unique aspects of agriculture in the bootheel. He commented on the 48-hour notification requirement listed in the strawman and how that would be difficult for farmers since they don't often know 48 hours in advance of the need to start a fire.

Jim Kavanaugh suggested that a coordinated outreach effort with Mo-Ag and farm industry may be necessary to educate both farmers and citizens of the potential problems associated with ag burning and what actions could be taken to minimize their problems.

Gary Gaines, MDNR Southwest Regional Office, talked about accidents associated with smoke. They have issued Notices of Violation on instances where smoke has been a problem.

Karl Fett also mentioned that crop from CRP land is burned.

Amy Algoe-Eakin, EPA Region 7, gave a presentation to the workgroup on open burning. She talked about what is going on at the national and regional level. EPA is encouraging states and

locals to more vigorously control open burning, especially around nonattainment and Class I areas. At the regional level, Region 8 is leading a workgroup of 13 states, discussing open burning. EPA Region 7 is looking to develop a regional web-based system to provide useful information and data to assist in burning decisions.

Richard Barnes asked if EPA intends to develop a model rule.

Amy said probably not.

Randy Cole asked if EPA would lessen requirements for fire –training.

Leanne Tippet Mosby, APCP, mentioned the hazards of burning asbestos that can occur at fire training exercises using old houses. EPA has been touchy about the asbestos issue due to current lawsuit filed against them about the Lambert Field demolition/renovation.

Cecilia mentioned using fire training as a demolition project for some owners and it is not real training.

Paul said that for the next meeting he intends to work on another strawman open burning regulation. He mentioned other state's open burning regulations and how they are set up and worded. Thought there could be several things that could be incorporated into drafting the strawman.

Amy mentioned that air quality concerns with open burning and how areas, such as St. Louis, depend upon open burning regulations to meet ambient air standards.

Leanne said there are stricter regulations in bigger cities. She went on to mention that violation of national standards has real consequences to industry. Open burning contributes to pollution. She also noted the need to get municipalities involved. If anybody had ideas in getting the word out it would be appreciated.

Tom said that one way might be to communicate with past permit contacts.

Cecilia said that regional offices would probably have contacts.

Karl mentioned that last year the Kansas City Regional Office issued 562 open burning permits in their 23 counties. Over 90 percent were for small operators.

Paul summarized that for the next meeting, tentatively scheduled for September 27, that he would get a second draft strawman regulation out and put together a table of definitions from adjoining states.

Cecilia said she would help in looking at cross program concerns, such as definitions.

Kris said she would like to see information or data on air statistics and problems associated with open burning. Leanne said this would be ozone, particulate matter, toxics, and visibility. Kris

said she would also like to see alternatives to open burning. Paul said he would see what he could find.

The meeting adjourned at 12 noon.

Attendees:

Ed Nicholson, Osage Beach FPD
Cecilia Campbell, MDNR/Solid Waste Management Program
Richard Barnes, MDNR/Southwest Regional Office
Karl Fett, MDNR/Kansas City Regional Office
Todd Crawford, MDNR/Air and Land Protection Division
Paul Jeffery, MDNR/Air Pollution Control Program
Kris Ricketts, MDNR/Regional Office coordinator
Paul Myers, MDNR/Air Pollution Control Program
Leanne Tippet Mosby, MDNR/Air Pollution Control Program
Jim Kavanaugh, MDNR/Air Pollution Control Program
Lucy Thompson, MDNR/Outreach and Assistance Center
Kathrina Donegan, St. Louis County Air Pollution Control Program
Macey Jett, Missouri Department of Transportation
Bruce Palmer, Missouri Department of Conservation
Dan Engemann, Missouri Department of Agriculture
Dale Lohmeyer, Warco Inc.
Tom Burmeister, Twehouse Excavating Co.
Jerry Hirtz, Missouri Department of Transportation
Randy Cole, Missouri State Fire Marshall
Jason Turner, Jefferson City Fire Department
Roger Moore, U.S. Reel Corp.
Amy Algae-Eakin, Environmental Protection Agency Region 7
Gary Gaines (phone), MDNR/Southeast Regional Office